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SENATE BILL 223

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Leonard Tsosie

AN ACT

**RELATING TO LOCAL GOVERNMENTS; REQUIRING DISTRICTED
MUNICIPALITIES AND COUNTIES TO REDISTRIBUTE WITHIN ONE YEAR OF
THE RELEASE OF EACH FEDERAL DECENNIAL CENSUS.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 3-12-2 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-11-2, as amended) is amended to read:**

**"3-12-2. GOVERNING BODY--CORPORATE AUTHORITY--
LEGISLATIVE BODY--MEMBERS OF COUNCIL AND BOARDS OF TRUSTEES--
QUORUM --**

**A. The corporate authority of a municipality is
vested in the governing body that shall constitute the
legislative branch of the municipality and shall not perform
any executive functions except those functions assigned to it
by law.**

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1 B. A majority of the members of the governing body
2 is a quorum for the purpose of transacting business.

3 C. Unless otherwise provided by law, a question
4 before the governing body shall be decided by a majority vote
5 of the members present.

6 D. The governing body of a municipality having a
7 mayor-council form of government is the council or board of
8 trustees whose members are the mayor and not less than four or
9 more than ten councilmen or trustees. Any governing body of
10 more than six councilmen or trustees may provide by ordinance
11 for the election of two councilmen or trustees for each ward or
12 district or create or abolish wards or districts or alter the
13 boundary of existing wards or districts; provided that only one
14 councilman or trustee shall be elected from a ward or district
15 at any one election.

16 E. In those municipalities with a mayor-council
17 form of government, when there is a requirement that a certain
18 fraction or percentage of the members of the entire governing
19 body or of all the members of the governing body or of the
20 entire membership of the governing body or other similar
21 language other than the requirement of a simple majority vote
22 for the measure, the mayor shall not be counted in determining
23 the actual number of votes needed but he shall vote to break a
24 tie vote as provided in Section 3-11-3 NMSA 1978 unless he has
25 declared a conflict of interest.

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1 F. The governing body of a municipality [~~may~~
2 shall ~~redistrict the municipality [whenever redistricting is~~
3 ~~warranted. Upon petition signed by qualified electors equal~~
4 ~~in number to the votes cast for the councilman or trustee~~
5 ~~receiving the greatest number of votes at the last regular~~
6 ~~municipal election, the governing body of the municipality~~
7 ~~shall redistrict the municipality] once within one year of
8 the release of each federal decennial census."~~

9 Section 2. Section 4-38-3 NMSA 1978 (being Laws 1876,
10 Chapter 1, Section 10, as amended) is amended to read:

11 "4-38-3. RESIDENCE IN DISTRICTS--PERIOD FOR
12 DISTRICTING--ELECTION AT LARGE.--

13 A. A county having a population greater than
14 thirteen thousand, according to the most recent federal
15 decennial census, shall be divided by the board of county
16 commissioners into as many compact single-member districts as
17 there are board members to be elected. The districts shall be
18 as equal in population as possible and numbered respectively
19 to correspond to the number of board members. One
20 commissioner shall be elected from each district by the voters
21 of the district and shall be a resident of the district from
22 which he is elected. If a commissioner permanently removes
23 his residence from or maintains no residence in the district
24 from which he was elected, he shall be deemed to have
25 resigned. The division of the county into single-member

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1 districts shall be made once [~~immediately following~~] within
2 one year of the release of each federal decennial census.

3 B. An H class county or a county having a
4 population of thirteen thousand or fewer according to the most
5 recent federal decennial census may be divided by the board of
6 county commissioners into single-member districts. If the
7 county is districted, the districts shall be as equal in
8 population as possible and numbered respectively to correspond
9 to the number of board members. A commissioner shall be a
10 resident of the district from which he is elected. If a
11 commissioner permanently removes his residence from or
12 maintains no residence in the district from which he was
13 elected, he shall be deemed to have resigned. The division of
14 the county into single-member districts shall be made once
15 [~~immediately following~~] within one year of the release of each
16 federal decennial census. The board of county commissioners
17 in a county with only three board members may require either
18 that:

19 (1) commissioners shall be elected from each
20 district by the voters of the whole county; or

21 (2) each commissioner shall be elected by
22 the voters of the district from which that commissioner is
23 running for office."